

HUMAN SERVICES DEPARTMENT[441]**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 249A.4 and 2009 Iowa Acts, chapter 182, section 32(13), the Department of Human Services amends Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," Iowa Administrative Code.

This amendment increases the reimbursement rate for family planning clinics. 2009 Iowa Acts, chapter 182, section 32(1)(o), directed the Department to increase reimbursement for these services effective July 1, 2009, by 5 percent over the rates in effect on June 30, 2009. This change was not implemented. This amendment is intended to rectify that omission by applying the 5 percent increase to the last five months of state fiscal year 2010, for services rendered from February to June 2010.

Had this 5 percent increase been implemented effective July 1, 2009, it would have been eliminated effective December 1, 2009, pursuant to Executive Order Number 19, after having been in effect for five months. (See amendments Adopted and Filed Emergency and published in the Iowa Administrative Bulletin on December 2, 2009, as **ARC 8344B**.) Therefore, making the increase effective for the last five months of the fiscal year provides an equivalent benefit to the family planning clinics. An adjustment to the amendments as Adopted and Filed Emergency in **ARC 8344B** is contained in a rule making published herein as **ARC 8643B**.

This amendment does not provide for waivers in specified situations since higher reimbursement for services benefits family planning clinics and the benefit is set by statute.

The Council on Human Services adopted this amendment on March 10, 2010.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because this amendment implements 2009 Iowa Acts, chapter 182, section 32, which authorizes the Department to adopt rules without notice and public participation.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(1), that the normal effective date of this amendment should be waived, as authorized by 2009 Iowa Acts, chapter 182, section 32.

This amendment is also published herein under Notice of Intended Action as **ARC 8648B** to allow for public comment, as required by 2009 Iowa Acts, chapter 182, section 34.

This amendment is intended to implement Iowa Code section 249A.4 and 2009 Iowa Acts, chapter 182, section 32(1)(o).

This amendment became effective March 11, 2010.

The following amendment is adopted.

Amend subrule **79.1(2)**, provider category "Family planning clinics," as follows:

<u>Provider category</u>	<u>Basis of reimbursement</u>	<u>Upper limit</u>
Family planning clinics	Fee schedule	Fee schedule in effect 6/30/08 <u>plus 1% Beginning 2/1/10, fee</u> <u>schedule in effect 6/30/09 plus</u> <u>5%.</u>

[Filed Emergency 3/11/10, effective 3/11/10]

[Published 4/7/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/7/10.